

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
ROCHESTER GAS & ELECTRIC CORPORATION
and Case 3-CA-25915
LOCAL UNION 36, INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, AFL-CIO

ORDER DENYING MOTION

On August 16, 2010, the National Labor Relations Board, by a three-member panel, issued a Decision and Order in this proceeding, affirming the administrative law judge's findings that the Respondent violated Section 8(a)(5) and (1) by refusing to provide the Union with certain information and by refusing to bargain over the effects of discontinuing its practice of allowing employees to drive company vehicles to and from work. The Board's decision included an amended remedy and corresponding modifications to the judge's recommended Order, deleting the judge's make-whole remedy and substituting a remedy similar to that ordered in *Transmarine Navigation Corp.*, 170 NLRB 389 (1968).¹

On August 24, 2010, the Charging Party filed a motion for clarification or reconsideration. The Respondent filed an opposition to the motion.

Having considered the motion and opposition, we see no need to clarify the Board's Decision and Order. Regarding the request for reconsideration, Section 102.48(d)(1) of the Board's Rules permits a party to move for

¹ 355 NLRB No. 86.

reconsideration in “extraordinary circumstances.” There has been no showing of extraordinary circumstances here. Accordingly, we deny the Charging Party’s motion.²

Dated, Washington, D.C. November 8, 2010.

Wilma B. Liebman, Chairman

Craig Becker, Member

Mark Gaston Pearce, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

² Member Pearce did not participate in the underlying case, but he agrees that clarification of the Board’s Decision and Order is unnecessary and that the Charging Party has not shown extraordinary circumstances warranting reconsideration.